

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

ISIDRO CASANOVA, §
PLAINTIFF §
§
§
VS § CIVIL CASE NO.: 7:19-cv-00398
§
§
§
CITY OF LA JOYA AND §
THE LA JOYA CITY COUNCIL, §
DEFENDANTS. §

**DEFENDANTS, CITY OF LA JOYA AND THE LA JOYA CITY COUNCIL'S
UNOPPOSED MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Defendants, City of La Joya and the La Joya City Council (together, "Defendants"), by and through their undersigned counsel, hereby move unopposed for voluntary dismissal of this action and state as follows:

I.

This case is currently set for Initial Pretrial and Scheduling Conference on the 8th of January, 2020, before the Honorable U.S. District Judge Randy Crane.

II.

Procedural History

On November 18, 2019, Plaintiff, Isidro Casanova filed his complaint against Defendants, the City of La Joya and the La Joya City Council, with Application for Temporary Restraining Order and Declaratory Judgment relief sought in the Hidalgo

County Court at Law No. 6. Plaintiff's Petition alleges breach of constitutional authority and undermining the electoral process, unconstitutional infringement upon the rights of a candidate running for office, Isidro Casanova, by the City calling a special meeting possibly entering into contracts with administration; and quantum meruit claims against the City of La Joya and La Joya City Council. On November 27, 2019, Defendants filed Notice of Removal to federal court. During the filing of Plaintiff's Petition and Temporary Restraining Order Application, and Defendants' Removal to Federal Court, the City of La Joya was in the midst of an election and subsequently a run-off election for Mayor in which Plaintiff, Isidro Casanova was a candidate.

III.

Causes of Action Moot

Since the filing of Plaintiff's Petition and Application for Temporary Restraining Order and Declaratory Relief, the election has concluded and Plaintiff, Isidro Casanova has been elected and sworn into office as Mayor. Therefore, the issues alleged in Plaintiff's Original Petition have been rendered moot.

IV.

Defendants and Plaintiff have met and conferred regarding the filing of this Motion. Both Plaintiff and Defendants have agreed to move for voluntary dismissal without prejudice in light of the mootness of the causes of action alleged; and agreed to pay court costs to Plaintiff. Plaintiff does not oppose this motion and is in agreement. Defendants therefore respectfully request that the Court dismiss the complaint without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2).

Dated: January 7, 2020.

Respectfully submitted,

/s/ Kennedy Salinas
Kennedy Salinas
Federal I.D. No. 430660
State Bar No. 24041850

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CERTIFICATE OF SERVICE

I certify that on the 7th of January, 2020, a true and correct copy of Defendants, City of La Joya and the La Joya City Council's Unopposed Motion for Voluntary Dismissal Without Prejudice was served via the electronic filing system CM/ECF notification to attorney Robert Jackson.

/s/ Kennedy Salinas
KENNEDY SALINAS
Federal I.D. No. 430660

CERTIFICATE OF CONFERENCE

I certify that I have consulted with Robert Jackson, the counsel for Plaintiff, and Plaintiff does not oppose this motion and is in agreement.

/s/ Kennedy Salinas
KENNEDY SALINAS
Federal I.D. No. 430660